

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, NOVEMBER 15, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**



AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

Regular City Commission Meeting – November 1, 2010.

Special City Commission Meeting – November 8, 2010.

The Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of November 1, 2010 and the Special City Commission Meeting on November 8, 2010 as presented with the following changes to the November 8 minutes: Page 4, Item 6, first paragraph to read “Commissioner Zischkau stated it is good once again to see Mayor Masiarczyk in his familiar position but, he thinks the over arching that was displayed this evening is the rich democratic tradition of this Country where power changes hands peacefully and in order and he thinks for that everyone can be grateful.”

B. Additions or Deletions to Agenda.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. Certificate of Recognition - Sheriff's Office Employee of the Quarter - Investigator Aaron Blais**

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)**

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

6. CONSENT AGENDA:

The Commission voted unanimously to approve Consent Items 7A, 7D and 7E.

- * A. Request for approval to Award Bid # PW 10-07 for As Needed Utility Supplies - Deltona Water.**

The Public Works Division solicited a bid seeking qualified suppliers to provide various utility supplies, establishing a pricing agreement with those suppliers and to allow the Deltona Water Department to maintain its current utilities supplies and inventory on an as needed basis. The bid was solicited to a total of 273 vendors. Four firms submitted bids based on the scope of work:

- 1. Ferguson Waterworks, Inc.*
- 2. Hayes Pipe Supply, Inc.*
- 3. Municipal Water Works, Inc.*
- 4. Sunstate Meter & Supply, Inc.*

Based on their submitted bids (see attached for pricing matrix), staff requests a multiple award be given to the following vendors and use the vendor that has given the highest percentage for discounts off of the manufacturers listed products and their categories. Those suppliers with the best overall pricing are as follows:

- 1. Ferguson Waterworks*
- 2. Sunstate Meter & Supply*
- 3. Hayes Pipe and Supply*

This pricing agreement would be for an initial period of one year with the option to renew for three additional one year periods at an annual cost not to exceed the Commission appropriated total for each fiscal year.

Approved by Consent Agenda – to approve the Award of Bid #PW 10-07 for As Needed Utility Supplies – Deltona Water.

B. Request for Approval of Award of RFP #PW 10-08, As Needed Emergency Debris Removal Services.

The Public Works Division solicited Request for Proposals from Contractors to provide Emergency Debris Removal Services. The awarded Contractors would be selected to perform as needed services for emergency debris removal and disposal services from City roadways during any future potential natural disasters, such as hurricanes. Such services would include Field Operations, debris pick up, debris hauling and removing, debris staging and reduction, temporary debris storage site management and debris management.

There is currently no funding for these services. However, the Federal Emergency Management Agency (FEMA) requires that governing entities shall have agreements in place with Contractors in order to obtain reimbursement for such occurrences.

Based on this requirement, a Request for Proposal was solicited on Demandstar and went out to 884 Contractors. There were 52 planholders for this RFP and 24 responsive submittals were received as follows:

- 1. AshBritt Environmental Services*
- 2. ATL Diversified Industries*
- 3. Bamaco disaster Recovery*
- 4. Bergeron*
- 5. Byrd Brothers Emergency Services*
- 6. Ceres Environmental*
- 7. Cloud 9 Services*
- 8. Cross Construction Services*
- 9. D & J Enterprises*
- 10. Disaster Recovery Group and Tree Service*
- 11. DRC Emergency Services*
- 12. Eagle SWS*
- 13. Grubbs Emergency Services*
- 14. Gulf Crowder*
- 15. J.B. Coxwell Contracting*
- 16. Michael's Tree and Loader Service*
- 17. Omni Pinnacle*
- 18. Phillips and Jordan*
- 19. Shelley's Environmental Systems*
- 20. Storm Reconstruction Services*
- 21. TAG Grinding Services*
- 22. T.F.R. Enterprises*
- 23. Unified Recovery Group*

24. Wood Resource Recovery

After submittals were received, a Selection Committee reviewed and ranked the firms based on their proposals and pricing submitted. The number of Contractors selected was based on the unknown factor and uncertainty of what potential damage or impact a natural disaster could have on the City. Out of the 24 submittals, the top 8 Contractors that ranked highest were selected. 4 of those Contractors will be primary and 4 will be secondary should one of the primary's not be available. The top 8 Contractors ranked are as follows:

- 1. Ceres Environmental*
- 2. TAG Grinding Services*
- 3. T.F.R. Enterprises*
- 4. Wood Resource Recovery*
- 5. Grubbs Emergency Services*
- 6. Crowder Gulf*
- 7. DRC Emergency Services*
- 8. Unified Recovery Group*

After discussion, the Commission voted unanimously to approve the request for approval of Award of RFP #PW 10-08, As Needed Emergency Debris Removal Services.

C. Request for Approval of Award of Bid #PW 10-09, As Needed New Sidewalk Installations and Repairs.

The Public Works Division solicited bids for a Contractor to provide As Needed New Sidewalk Installations and Repairs. The awarded Contractor would be selected to perform services for new sidewalk installations at various elementary schools within the City. Some of those schools include Deltona Lakes Elementary, Discovery Elementary, Forest Lake Elementary and Sunrise Elementary. Additionally, the Contractor will be utilized for sidewalk repairs that may occur within the City on an as needed basis. The funding for the new sidewalk installations at the elementary schools is in the 2010-11 CIP budget and will be completed this budget year.

The bid was solicited on demandstar and went out to 693 Contractors. There were 41 planholders for this bid and 12 responsive bids were received as follows:

- 1. Whitehouse Contracting, Inc.*
- 2. PJQ, Inc.*
- 3. Father and Son Concrete*
- 4. Truant Construction*
- 5. United Enterprises of Seminole County, Inc.*
- 6. Ovation Construction*
- 7. Conpilog International Company*
- 8. Estep Construction*

9. Llama Construction
10. Westwind Contracting
11. APEC, Inc.
12. Smith Brothers Land Clearing

Considering that a majority of the work, performed for these services is based on 4" new sidewalk installations, a formulated total was configured to determine the low bidder. Based on the formulated total, located in the Detailed Bid Tabulation Sheet, Whitehouse Contracting, Inc. was considered the lowest responsive bidder for the New Sidewalk Installations.

After discussion, the Commission voted unanimously to approve the request for approval of Award of Bid #PW 10-09, As Needed New Sidewalk Installations and Repairs.

***D. Request for Approval of FY 09/10 Final Budget Amendment/Transfer.**

As part of the fiscal year end process, it is standard practice to process a year end budget amendment to "true up" department and fund budgets so that no department or fund reflects an over-budget situation in the City's CAFR.

For the General Fund, this amendment nets to zero and does NOT reflect an increase in total General Fund appropriations for FY 09/10. Staff is requesting final year end budget amendment for the General Fund in the amount of \$6,100. This adjustment represents a transfer of dollars between departments only and reflects no increase in total General Fund appropriations for FY 09/10.

In the General Fund, the City Commission department was the only department that ended the fiscal year over budget, by just under \$6,100. This was primarily attributable to the benefits payable with the separation of the Executive Assistant as well as professional services.

Staff is also requesting a budget amendment in the Streetlighting Districts Fund in the amount of \$4,100. This was a result of actual electric costs exceeding the amount budgeted. Because this fund is funded through assessments to residents, the fund balance should be minimal at all times and this budgeted shortfall helps to reduce the cumulative fund balance in the Streetlighting Districts fund.

Approved by Consent Agenda – to approve the FY 09/10 Final Budget Amendment/Transfer.

***E. Resolution No. 2010-40, asking the Volusia County Legislative Delegation to seek repeal of certain sections of Senate Bill 550.**

During the November 1, 2010 meeting, the Commission directed the City Attorney to prepare a resolution asking the Legislative Delegation to seek repeal of those

portions of SB 550 which mandate septic system pumping and inspection every five years. Resolution No. 2010-40 accomplishes this purpose.

Approved by Consent Agenda – to approve Resolution No. 2010-40, Asking the Volusia County Legislative Delegation to seek repeal of certain sections of Senate Bill 550.

F. Approval to piggyback State Contract #250-000-09-1 to use NEXUS IS, Inc.

Nexus IS, Inc. is a certified reseller of Cisco products and service. They are authorized as a vendor on Florida State Contract #250-000-09-1. Staff is requesting the purchase of a maintenance contract through Nexus IS, Inc. for Cisco Smartnet warranty and support of Cisco Systems for a total of three (3) years.

Maintenance contracts tend to increase yearly at a rate of between 3 to 5 percent. Using that formula today's one year deal costing \$ 40,794.69 would increase to \$ 42,834.42 the second year and \$44,976.14 the third.

Staff requested the three (3) year deal in order to qualify the City for a multi-year discount which provides for a savings of \$ 4,858.27 off the one year quoted price of \$40,794.69. The City will pay a flat rate of \$ 35,936.42 for three (3) years of coverage.

The City will see a savings of \$ 14,574.81 over the life of the contract. The difference in year three of the contracted price as opposed to the one year projected price in year three shows a potential savings of \$ 9,039.72. Additionally when the contract expires the City will begin negotiating from the lowest possible price point thereby minimizing as best as possible the level of increase associated with the contract renewal.

This contract will provide 4 hour response on critical network hardware and software, including our enterprise wide phone system. This will ensure we receive timely software updates, future product releases, and reduced downtime in network outages. The agreement will have a total cost of \$107,809.26. The agreement is valid for a total of three (3) years.

After discussion, the Commission voted unanimously to approve the request for approval to piggyback State Contract #250-000-09-1 to use NEXUS IS, Inc.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Ordinance No. 12-2010, Amending the Capital Improvements Element (CIE) of the City of Deltona's Comprehensive Plan, for first reading.

The Capital Improvements Element of the Comprehensive Plan must be reviewed and updated by December of each year. Deltona may not amend its Future Land Use Map until the annual update of the CIE is adopted and has been found in compliance by the Florida Department of Community Affairs (DCA). The first reading required by Section 166.041, Florida Statutes, is scheduled for November 15, 2010. The second reading required by Section 166.041 and the single public hearing for CIE amendments required by Section 163.3177(3)(b)(2), Florida Statute will be scheduled for a December meeting.

Staff has reviewed the current Class "A" capital improvements and summarized expenditures and funds carried forward for the next five (5) years. The City's CIE has been reviewed to ensure compliance with adopted levels of service (LOS) standards. Adjustments have been made to update the CIE, in collaboration with the City's Finance Department.

After discussion, the Commission voted unanimously to approve Ordinance No. 12-2010, Amending the Capital Improvements Element (CIE) of the City of Deltona's Comprehensive Plan, at first reading.

B. Ordinance No. 17-2010, Amending City Code Section 110.1202.05 (15) and (16), Applications and proposals requiring public hearings, that pertain to the level of review required for development applications, for first reading.

The existing criteria used to determine the process for considering development-related application approval that requires a public hearing before the Planning and Zoning Board (Board) and the City Commission has remained unchanged since 1999. These items include amendments to any element of the City's Comprehensive Plan, Land Development Code, Subdivision Regulations, Zoning Ordinance, zoning variances, conditional uses, capital improvement programs, environmental ordinances, design standards, planned unit developments and Developments of Regional Impact.

The City Commission recently expressed interest in finding effective ways to streamline the plan review and permitting process. Staff explored options to accomplish these goals and ensured that the City remained aligned with established planning principles designed to protect public health, safety, and welfare.

On September 15, 2010, the Planning and Zoning Board discussed this item and suggested that staff consider raising the Planning and Zoning Board review thresholds from 5,000 square feet to 30,000 square feet or 15 dwelling units per acre for final site plans, and from 25 lots to 200 lots for subdivisions. Staff reviewed the proposed revisions and found that it is similar to criteria used throughout Florida.

On October 20, 2010, the Board recommended to approve the revisions to Ordinance No. 17-2010, pertaining to the density and intensity thresholds that

affect when development applications are reviewed by the Planning and Zoning Board and City Commission.

After discussion, the Commission voted unanimously to approve Ordinance No. 17-2010, Amending City Code Section 110.1202.05 (15) and (16), Applications and proposals requiring public hearings, that pertain to the level of review required for development applications, at first reading.

9. OLD BUSINESS:

A. Request for consideration of change in Commission meeting dates for 2010/2011 Holiday season.

In the past, the Commission has in some years chosen to change the Commission meeting schedule in December due to the holiday season, i.e. combining the two (2) meetings in December to one (1) meeting per month. The upcoming Commission schedule includes Regular Commission meetings on:

- *Monday, December 6th; and*
- *Monday, December 20th.*

Suggested possible options for December, 2011 Commission meetings are either Monday, December 6th or 13th.

This agenda item is for the Commission to discuss the possibility of changing the December Commission meeting dates. Also, attached for the Commission's information is the proposed schedule for City Commission meetings in 2011

After discussion, the Commission agreed to December 4, 9:00 – 3:00 for the Commission Visioning Session and to eliminate the regular meeting dates of December 6th and December 20th.

10. NEW BUSINESS:

A. Request for Approval of 2010-2011 Facility Use Agreement for Okinawan Martial Arts for use of the Wes Crile Park Meeting Room.

Michael Abrams, Principal/Owner Agent, Okinawan Martial Arts of Florida LLC, (OMA) has had a Facility Use Agreement with the City of Deltona for a number of years. Classes have been conducted on Monday, Wednesday, and Friday from 3:30 to 7:30p.m. and Saturday from 10:00am to 1:00p.m. In addition, on Tuesdays, OMA offers a free, no charge special needs class from 4:00 to 6:00p.m. OMA is a For Profit Organization and would be responsible for paying Category IV Facility Use fee rate of \$25.00 per hour, less 20% discount for entering into a long term lease agreement with the City.

OMA is requesting the City Commission consider, in lieu of the standard fee rate, what was previously agreed upon amount of \$300.00 annually or \$2.00 per student not to exceed \$25.00 per month in exchange for use of the Wes Crile Park facility to offer classes and conduct a community based martial arts programs for the youth in the City of Deltona.

Staff recommends a one (1) year Facility Use Agreement, with three one-year renewal options upon written agreement by the parties.

After discussion, the Commission voted unanimously to approve the 2010-2011 Facility Use Agreement with Michael Abrams, Okinawan Martial Arts of Florida, LLC for use of the Wes Crile Park Meeting Room for a period of one (1) year, with an option to renew for three additional one year periods upon written agreement of both parties and to waive the standard facility use fee.

B. Consideration of one (1) citizen representative to the TPO's Citizen Advisory Committee.

The City of Deltona is currently looking for one (1) individual interested in serving as the City's representative to the Volusia Transportation Planning Organization's (TPO) Citizen's Advisory Committee.

The City has run press releases and posted openings on D-TV, the City's web page, and bulletin boards. To date the City has received one (1) application from the following individual: Janet Deyette.

After discussion, the Commission voted unanimously to confirm the appointment of Janet Deyette to the Volusia Transportation Planning Organization's (TPO) Citizen Advisory Committee.

C. Consideration of appointment of a City representative to the Volusia Council of Governments (VCOG).

Volusia Council of Governments (VCOG) is a non-for-profit organization of, by and for local governments, and is established to assist local governments in: planning for common needs, addressing issues of common concerns, cooperating for mutual benefit, and participating in intergovernmental coordination for improving the quality of life in Volusia County. The Board meets on the fourth Monday of each month in the MPO/VCOG/WAV Conference Room, 2570 West International Speedway Blvd., Suite 100, Daytona Beach, FL 32114 from 5:00 p.m. to 8:00 p.m.

After discussion, the Commission voted unanimously to confirm the appointment of Mayor John Masiarczyk to the Volusia Council of Governments.

D. Consideration of appointment of City representative to the River of Lakes Heritage Corridor Scenic Highway: Corridor Management Entity (CME).

The Corridor Management Entity meets on a bi-monthly basis (six meetings per year) to review issues that include interested and affected citizens, landowners, businesses, public land managers and government agencies within the area benefited by the Scenic Highway. It is requested that a member of the City of Deltona Commission be appointed to the Corridor Management Entity. The appointee will fill an ongoing term. The Governing Board has not determined set terms at this time.

Former Commissioner Janet Deyette was the City's representative to the CME.

After discussion, the Commission voted unanimously to confirm the appointment of Heidi Herzberg to the River of Lakes Heritage Corridor Scenic Highway: Corridor Management Entity.

E. Request for approval of award of Bid #11001, remodel Social Services Building for Volusia County Sheriff's Offices.

After discussion, the Commission voted 6 to 1 (Vice Mayor Treusch voted against the motion) to award the Bid #11001 to Olsen Commercial Construction with a discussion of cost at the December 4th workshop for the renovations needed for the Volusia County Sheriff's Office.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.